

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

CHARLES E. BAILEY,

Plaintiff,

vs.

Civil Action 2:13-cv-0060
Judge Graham
Magistrate Judge King

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

REPORT AND RECOMMENDATION

The parties have jointly moved to remand this case for further administrative proceedings pursuant to Sentence 4 of 42 U.S.C. § 405(g). *Joint Motion for Remand*, Doc. No. 20. The parties specifically ask that the administrative law be directed to consider, on remand, whether plaintiff was disabled due to statutory blindness prior to November 1, 2011 and to re-evaluate the severity of plaintiff's other impairments at step two of the sequential evaluation.

It is **RECOMMENDED** that the parties' joint motion to remand, Doc. No. 20, be **GRANTED**, that the decision of the Commissioner be **REVERSED** pursuant to Sentence 4 of 42 U.S.C. § 405(g), and that this action be **REMANDED** to the Commissioner for further administrative proceedings consistent with the foregoing.

If any party seeks review by the District Judge of this *Report and Recommendation*, that party may, within fourteen (14) days, file and serve on all parties objections to the *Report and Recommendation*,

specifically designating this *Report and Recommendation*, and the part thereof in question, as well as the basis for objection thereto. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Response to objections must be filed within fourteen (14) days after being served with a copy thereof. Fed. R. Civ. P. 72(b).

The parties are specifically advised that failure to object to the *Report and Recommendation* will result in a waiver of the right to *de novo* review by the District Judge and of the right to appeal the decision of the District Court adopting the *Report and Recommendation*. See *Thomas v. Arn*, 474 U.S. 140 (1985); *Smith v. Detroit Fed'n of Teachers, Local 231 etc.*, 829 F.2d 1370 (6th Cir. 1987); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

November 7, 2013

s/Norah McCann King
Norah M^cCann King
United States Magistrate Judge